

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF JANUARY 14, 2009
9:30 a.m.

Members Present: Audrey Wolfe, Chairperson; Catherine Forrence, Vice-Chair; Robert White, Secretary; Kai Hagen, Commissioner Liaison; Joe Brown, Richard Floyd, and John McClurkin.

Staff Present: Gary Hessong, Director, DPDR; Stephen O'Philips, Principal Planner; Kathy Mitchell, Assistant County Attorney; Eric Soter, Director, Planning and Zoning; Betsy Smith, Director of DPDR Engineering; Ron Burns, DPDR, Development Review Engineering; Jim Gugel, Chief Planner; Mark Depo, Deputy Director, Planning and Zoning and Linda Williamson, Development Review Technician.

1. **MINUTES:**

Mr. Brown made a motion to approve the minutes as written from the December 10, 2008 meeting. 2nd Mr. White.

Yea 4 Nay 0 Abstain 3 (Floyd, Wolfe, Forrence)

2. **PLANNING COMMISSION COMMENTS:**

Ms. Wolfe stated that the Comprehensive Planning Agenda Item would be heard at 1:30 today.

Mr. Brown informed the other PC members about the book "The Omnivore's Dilemma" that he feels they should all read and then have a discussion; he will provide the members with the book information.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

N/A

4. **PRELIMINARY PLAT**

- a. [Frederick Industrial Center, Lots 10R and 11A](#)- Requesting approval to reconfigure three GC lots into two lots on 3.4 acres. Located at the

northwest quadrant of MD 85 and Grove Road. Zoned: General Commercial (GC), Frederick Planning Region. Tax Map 77 / Parcel 106. File# S 570; AP#'s Preliminary 8074, APFO 8075 & FRO 8076, Stephen O'Philips.

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

The Applicant proposes to re-subdivide Tax Map 77, Parcel 186 into two lots, # 11A and 10R with a greater peak-hour trip threshold than that approved with the 2005 Preliminary Plat application. The Applicant is requesting:

- ❑ Revised Preliminary Plat approval (AP # 8074)
- ❑ APFO approval (AP # 8075)
- ❑ FRO Approval (AP # 8076)

The Staff finds that:

- 1) The Revised Preliminary Plat approval can only be given for a three-year period. If approved on January 14, 2009, the expiration date for the site plan would be January 14, 2012.
- 2) The Preliminary Plat meets the dimensional bulk standards of the Zoning Code.
- 3) The FRO requirements were met in 2005 with off-site credits, as there are no priority areas on site.
- 4) The Applicant's Developer's Option Letter proposes to mitigate the excess peak-hour trips and the APFO test for this application can be approved for a three-year period.

Recommendation:

Should the Planning Commission conditionally approve this Preliminary Plat S-570 (AP# 8074) for two commercial lots, the motion for approval should include the following items:

- Approval of the APFO (AP# 8075) for up to three years
- Approval of the Revised Preliminary Plan for three years.
- FRO approval (AP # 8076)

Then, Staff would recommend that the following item be added as a condition of approval:

- 1) Comply with Agency comments as this project moves through the development process.

Staff Presentation:

Stephen O'Philips, DPDR, presented the Staff Report.

Betsy Smith, DPDR- Development Review Director of Engineering provided correction to the Staff report with regard to two escrow accounts listed in the Developer's Option Letter and, spoke on the APFO and how the escrow accounts are complicated when it comes to mitigation and the funds that go to SHA.

Kathy Mitchell, Assistant County Attorney and Mr. Gary Hessong, Director DPDR spoke also on behalf of the County on APFO issues.

Applicant Presentation:

Mr. Bob Dalrymple of Linowes and Blocher, Representing the applicant, presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for conditional approval of the preliminary plat for Frederick Industrial Center Lots 10R and 11A, File # S570 subject to Staff Recommendations, and Conditions and adding 1(one) additional condition that the developer of these lots shall provide a good-faith effort to provide inter-parcel connectivity with any future application of this property. 2nd Mr. White.

Yea 6 Nay 0 Abstain 1 (Forrence)

5. **SITE PLANS**

- a. [Mount Saint Mary's University](#) - Requesting approval for 1,709 sq.ft. expansion of Flynn Hall plus pavement and retaining wall retrofits on 4.6 acres on the north side of Old Emmitsburg Road, north of McGowan Student Center. Zoned: Agricultural (AG), Thurmont Planning Region. Tax Map 8 / Parcel 48. File# SP 84-22; A/P#'s Site 8786, APFO 8788 & FRO 8789, Stephen O'Philips.

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

The Applicant proposes to develop Tax Map 8, Parcel 48 with an expansion to Flynn Hall (with a 1,709 sq.ft. footprint) is requesting:

- ❑ Site Plan approval (AP # 8786)
- ❑ APFO approval (AP # 8788)
- ❑ FRO Approval (AP # 8789)

The Staff finds that:

1. The site plan approval can only be given for a two-year period. If approved on January 14, 2009, the expiration date for the site plan would be January 14, 2011. Vesting of the site plan by “Start of Construction” prior to January 14, 2011 would be required to continue the site plan validity.
2. The site plan meets the dimensional bulk standards of the Zoning Code.
3. There are no priority areas on site, and therefore, the Applicant’s proposal to acquire off-site credits is acceptable.
4. There are no APFO failures caused by the proposed development, as there are 0 additional peak-hour trips created by this Site Plan application. Further, any required contribution to any existing escrow accounts within the site development impact area would be \$0.00. The APFO can be granted for a three-year approval period, or for as long as the site plan remains valid, whichever comes first.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP 84-22 (AP# 8786) for the proposed storage yard, the motion for approval should include the following items:

- Approval of the APFO (AP# 8788) for up to three years
- Approval of the site plan for 2 years
- FRO approval (AP # 8789)

Then, Staff would recommend that the following item be added as a condition of approval:

1. Comply with Agency comments as this project moves through the development process.

Staff Presentation:

Stephen O’Philips , DPDR, presented the Staff Report.

Applicant Presentation:

Mr. Joe Leberetz representing Mount Saint Mary's, representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for conditional approval of Mt. Saint Mary's University expansion to Flynn Hall, SP 84-22, subject to Staff Recommendations, and Conditions, and recognizing the height modification allowed by the Zoning Ordinance with appropriate increases to the setbacks. 2nd by Mr. White.

Yea 7 Nay 0

- b. [Frederick Preserve Lot 2](#) - This application was previously denied by the FcPc during the November 12, 2008 meeting. The applicant has since significantly revised the plan per FcPc comments and resubmitted a new application. The applicant is requesting approval for an 8,400 square foot 1-story (28 feet in height) Contractor's Office and Storage building on a 3.43 acre site. The applicant is proposing a total of 44 paved parking spaces, including 2 ADA accessible spaces throughout the site as well as 37 gravel over flow spaces. The site is located along Dr. Perry Road, north of I - 270. Zoned: Limited Industrial (LI); Industrial Use, Urbana Planning Region, Tax Map 105 / Parcel 31. File# SP 02-29; A/P#'s Site 8980, APFO 8978 & FRO 8079, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Recommendation:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of two (2) years from the date of Planning Commission approval. As previously stated, APF was previously approved on February 13, 2008 for Lots 1-5 for a period no longer than three years from that date or until February 13, 2011.

Staff has no objection to conditional approval of the site plan.

Staff Presentation:

Tolson Desa, DPDR, presented the Staff Report

Betsy Smith, DPDR- Development Review Director of Engineering, spoke on the SWM designs for the entire site.

Ron Burns, DPDR, Development Review Engineering, spoke on the process for SHA road closure.

Applicant Presentation:

Ms. Debra S. Borden, of Linowes and Blocher, representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for approval of Frederick Preserve, Lot 2 in accordance with Staff's Findings, Conditions, and Recommendations and adding a additional recommendation of adding motion lights and a 4th condition of no subletting the parking spaces. 2nd by Mr. Brown.

Yea 7 Nay 0

- c. [Wedgewood Wellington III](#) - The Applicant is requesting site plan approval for a one-story, 28 feet tall, 32,960 square foot office/warehouse/showroom building. The Applicant is also proposing a total of 66 paved parking spaces, including 3 ADA accessible spaces. The site is located at the corner of English Muffin Way and New Design Road. Access to the site is proposed via an existing entrance on English Muffin Way as well as a right-in, right-out turn movement off of New Design Road. Zoned: Limited Industrial (LI); Industrial Use, Adamstown Planning Region, Tax Map 86 / Parcel 1. File# SP 05-15A, A/P#'s Site 4938, APFO 4939 & FRO 4940, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of two (2) years from the date of Planning Commission approval and the APFO is valid for a period of three (3) years from the date of Planning Commission's approval.

Staff has no objection to conditional approval of the site plan.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP # 05-15A (AP# 4938, APFO 4939 & FRO 4940) for the proposed Wedgewood Wellington III, the motion for approval should include the following item:

1. Approval of a 32,960 square foot Office/Warehouse/Showroom building, consisting of one (1) building on a 2.82 acres site. The Applicant is proposing a total of 66 paved parking spaces throughout the site.
2. Site plan approval for a period of two years from today's date.
3. APFO approval for as long as the site plan remains valid, but no longer than three (3) years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. The Applicant shall provide FRO fee-in-lieu payment prior to site plan approval.

Staff Presentation:

Tolson Desa, DPDR, presented the Staff Report

Betsy Smith, DPDR- Development Review Director of Engineering, spoke on the DOL in the staff report not being correct, (a replacement DOL was given out), she spoke on the access to the property.

Ron Burns, DPDR, Development Review Engineering, spoke on the peak hour trips and how the number is calculated. Ron also spoke on the intersections and when completed in full they will no longer be failing intersections.

Applicant Presentation:

Mr. Rand Weinberg, Esquire representing the applicant, presented the applicant's proposal.

Mr. Karl Morris of Matan Companies spoke on the building, parking, loading spaces and lighting for the site he also spoke on many issues that this property has presented.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for Wedgewood Wellington III site plan, for approval in accordance with Staff's Findings, Conditions, and Recommendations and the modifications that have been noted from the staff and that the site distance is adequate and the access is acceptable to the applicant and staff. 2nd by Mr. Brown.

Yea 6 Nay 0 Abstain 1(Forrence)

6. COUNTYWIDE COMPREHENSIVE PLAN

Workshop #18: Continuation of the [*Countywide Comprehensive Plan Update*](#)
Jim Gugel

- a. [*Review Residential Needs and Development Capacity Report*](#) – Continued from the December 17, 2008 FCPC meeting.

Staff presented an overview of the developed/undeveloped analysis for the community growth areas within the Frederick and Urbana planning regions. For the Frederick region staff reviewed the developed/undeveloped mapping for the Ballenger Creek area, the MD 355/85 area, and around the City of Frederick. There was discussion with the Planning Commission regarding revisions to the current land use plan maps for these areas.

For the Urbana region staff reviewed the developed/undeveloped mapping for the Monrovia and Urbana communities, including the I-270 Employment corridor. There was discussion with the Planning Commission regarding revisions to the land use plan maps for these areas.

It was voted on to have public comment

Yea 6 Nay 1 (Floyd)

Public Comment:

Ms. Krista McGowen, Esquire
Mr. Jim Jameson, of Friends of Frederick County
Mr. Roy Stanley, a Developer of Monrovia Town Center
Mr. Mark Friis of, Rodgers Consulting

Meeting adjourned at 4:22 p.m.

Respectfully Submitted,

Audrey Wolfe, Chairperson